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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,488	05/02/2001	Donald W. Coffland	00-046	6257
26471	7590	11/16/2004		
THE BOEING COMPANY P.O. BOX 3707 M/C 13-08 SEATTLE, WA 98124-2207			EXAMINER	GRANT, ALVIN J
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/847,488	COFFLAND ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Alvin J Grant	3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 04 October 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 2, 4, 5, 6 and 9** are rejected under 35 U.S.C. 102(b) as being anticipated by Smyers et al. '245.

**Referring to claims 1, 2, 4, 5 and 9,** Smyers et al. discloses a mechanism for providing positive retention and release of a socket fitting on a power driven nut runner or nut setter utilizing a rigid push rod that interfaces with a sliding post or pin having mating surfaces for developing movement in perpendicular directions; the mechanism comprises first and second pieces, the first piece comprising a rigid sliding shaft, the second piece comprising a post or pin, and the first and second pieces moving perpendicular to each other when the retaining surfaces of the first and second pieces are engaged; the rigid shaft has a full or partial cross section other than of round configuration for preventing a binding rotation when the rigid shaft interfaces with a similar cross sectional area inside a tool head or housing thereby allowing the mating surfaces which provide the perpendicular motion component to provide alignment for smooth motion; the rigid sliding shaft has a full or partial cross section of round configuration; and a nut runner or nut setter having a push button positive socket retention and release mechanism (Figs. 1-11).

**Referring to claim 6,** Smyers et al. discloses a method for retracting a socket retention post in a torque tool head comprising the steps of: providing a spring-loaded rigid pushbutton pin through the torque tool head which mates with a socket retention post, depressing the spring-loaded rigid pushbutton pin to draw the socket retention post inward via an inclined surface thereby allowing a socket to be moved or installed, and removing or installing the socket thereby providing spring return of the spring-loaded rigid pushbutton pin to initial position locking the socket retention post in the outward position.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 3 and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Smyers, Jr. et al. in view of Herman et al. '005.

Smyers, Jr. et al. is described above. Smyers Jr. et al. does not specifically disclose a method of encapsulating the push button but Herman et al. does. Herman et al. discloses an apparatus and a method associated therewith for encapsulating the actuator to protect against inadvertently releasing a socket during use (Abstract; and column 3, line 67 to column 4, line 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the apparatus of Smyers, Jr. et al. to encapsulate the actuator as taught by Smyers Jr. et al. so as to protect against inadvertently releasing a socket during use.

**Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Smyers, Jr. et al. in view of Rebold '519 and in further view of Harper '638.

Smyers, Jr. et al. is described above. Smyers Jr. et al. does not disclose a nut runner power tool head. Rebold discloses a nut runner power tool head to provide the capability of employing both power and hand driven techniques commonly referred to as a nut runner. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the apparatus of Smyers et al. to include a nut runner power tool head as taught by Rebold so as to provide the capability of employing both power and hand driven techniques commonly referred to as a nut runner.

Smyers Jr. as modified does not disclose a nut runner gear. Harper discloses a conversion device for drills comprising a nut runner gear that transmits motor driven power to the drive. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a nut rut

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runner gear in the apparatus of the modified of Smyers, Jr. et al. as taught by Harper so as to transmit motor driven power to the drive.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin J Grant whose telephone number is (703) 305-3315. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J Hail can be reached on (703) 308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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